IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Richmond Division

BROOKE WHORLEY, et al.,

Plaintiffs,

v. Case No. 3:20-cv-255

RALPH S. NORTHAM, et al.,

Defendants.

STATUS REPORT

COME NOW Defendants Ralph Northam, *et al.*, by counsel, and pursuant to the Stipulated Settlement Agreement between the parties (ECF No. 11-1), provides the following status report to the Court:

- 1. Pursuant to Part 3(a)(vii)(1) of the Settlement Agreement, Defendants report that VDOC substantively reviewed 63 inmates for possible release under the *Early Release Plan* during the week of November 29 through December 5, 2020. The total number of inmates VDOC has substantively reviewed, to date, is 2,180.
- 2. Pursuant to Part 3(a)(vii)(2) of the Settlement Agreement, Defendants report that, of the 63 inmates reviewed during the week of November 29 through December 5, 2020, VDOC approved 47 of those inmates for Early Release. The total number of inmates approved, to date, is 1590.¹
- 3. Pursuant to Part 3(a)(viii)(3) of the Settlement Agreement, Defendants report that, of the 63 inmates reviewed during the week of November 29 through December 5, 2020, VDOC

¹ An additional 19 inmates were substantively reviewed, but physically released from custody (for other reasons) prior to a final approval decision having been made. VDOC does not include those 19 inmates in the reported number of inmates who were approved for release, but does include those 19 inmates in the number of inmates who were substantively reviewed.

denied Early Release for 17 of those inmates. The total number of inmates denied, to date, is 572.

4. Pursuant to Part 3(e) of the Settlement Agreement, Defendants report that approximately 4,105 inmates were tested for COVID-19 during the week of November 29 through December 5, 2020. The total number of tests conducted on VDOC inmates, to date, is approximately 55,768.

Respectfully submitted,

RALPH S. NORTHAM, BRIAN J. MORAN, HAROLD CLARKE, DONALD WILMOUTH, RICK WHITE, THOMAS MEYER, TIKKI HICKS, RODNEY YOUNCE, TRACY RAY, ERIC ALDRIDGE, DANA RATLIFFE-WAKLER, TORI RAIFORD, TAMMY WILLIAMS, JOSEPH BATEMAN, and PHILIP WHITE, Defendants.

By: /s/

Margaret Hoehl O'Shea, AAG, VSB #66611 Criminal Justice & Public Safety Division Office of the Attorney General 202 North 9th Street Richmond, Virginia 23219 (804) 225-2206 (804) 786-4239 (Fax)

Email: moshea@oag.state.va.us

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December, 2020, I electronically filed the foregoing Status Report with the Clerk of the Court using the CM/ECF system which will provide notification of such filing to the following:

Elliott M. Harding, Esq. (VSB #90442) HARDING COUNSEL, PLLC 608 Elizabeth Avenue Charlottesville, VA 22909 434-962-8465 HardingCounsel@gmail.com

Eden Heilman Date Vishal Agraharkar Nicole Tortoriello Jennifer Safstrom ACLU FOUNDATION OF VIRGINIA 701 E. Franklin St., Suite 1412 Richmond, VA 23219 Tel: (804) 523-2152 Email: eheilman@acluva.org vagraharkar@acluva.org

ntortoriello@acluva.org jsafstrom@acluva.org

Counsel for the Plaintiffs

And I hereby certify that I have mailed by United States Postal Service the documents to the following non-CM/ECF participants: N/A

> By: Margaret Hoehl O'Shea, AAG, VSB #66611 Criminal Justice & Public Safety Division

Office of the Attorney General 202 North 9th Street

Richmond, Virginia 23219 (804) 225-2206

(804) 786-4239 (Fax)

Email: moshea@oag.state.va.us